

# DON'T TAKE THE RISK CALL FOR SPECIALISTS

ZGŁOŚ RASIZM NA POLICJĘ / REPORT RACISM TO THE POLICE



**Racism.**

**say it  
to fight it**

**[www.reportracism.pl](http://www.reportracism.pl)**

We are determined to put an end to racial hatred in Poland.  
All we need is to let us know...



With this leaflet, we wish to explain what hate crimes are, what you should do having fallen victim to such a crime and how to report it. Here you will also find information on what may happen in your case after reporting the crime – how Polish law enforcement agencies operate and what you can expect from respective public institutions.

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## Hate crime - what everyone should know about it

**A HATE CRIME** is an act prohibited by Polish law, motivated by prejudice.

Thus, it is a crime committed just because the person the crime is directed against has a characteristic distinguishing this person from the perpetrator, and frequently also from the majority of the surrounding society – for example, this person is of a different race or religion, comes from another country, or from a different culture, as well as speaks a different language. That means the victims of such crimes are selected intentionally, just because they have one of those characteristics referred to above.

The following are the examples of crimes motivated by hate: physical violence, verbal abuse, threats, damage to property, and arsons – provided that they are committed because of hatred for a person, provoked by this person's race, religion, ethnicity, or nationality. In public places, you may



also encounter other manifestations of hostility towards foreigners such as hateful graffiti placed on building walls or public transport stops. This kind of content may also appear on websites.



## Acts of racism are punishable behaviours

The acts described above are prosecuted offences in Poland. The penalties for committing those crimes are provided for in the Polish Penal Code. Some of hate crimes – violence, threats, insults, and breach of personal inviolability, as well as inciting hatred regarding nationality, ethnicity, race or religion, are treated in a particular way by Po-

lish law and are separately regulated by the Polish Penal Code. You should know that hate crimes are prosecuted ex officio in Poland. It means that, in the event where the Police or prosecutor's office learn about such a crime (from you, the media, or a witness's account), these institutions are obligated to take actions irrespective of a victim's initiative.

**Have you fallen victim to a hate crime?  
React without delay!**

As a victim of a crime, you have the right to expect that its perpetrator will be punished. For this to happen, it is necessary that you report this crime to law enforcement agencies (the Police or prosecutor's office) and provide them with information that will enable them to determine and detain the perpetrator of the crime, and then to bring this person to judgement.

### 1. Reporting a crime

There are several ways of reporting a hate crime, whether you have been a victim, a witness, or you are reporting on behalf of someone else.

The following are the most important of them:

- **In an emergency**  
Call 997 or 112.
- **Report a crime in person to the Police or prosecutor's office.** Go to the nearest Police station or prosecutor's office and report a crime. You may also report it in writing. You may report a crime to every Police station, but if you contact the station located in the area where the crime has been committed it will enable more efficient investigation of your report.
- **Report a hate crime by writing an e-mail to an officer on duty.** Some of the Police stations enable reporting crimes via e-mail. Check on the unit website whether it provides this form of contact. While writing an e-mail, do not forget to give your name, address, and your contact details.

**2. Having reported the crime to the Police or prosecutor's office, you may inform other organizations about it:**

- **Write to the Human Rights Protection Team of the Ministry of the Interior**

If you want us to monitor your case, you may notify the Human Rights Protection Team of the Ministry of the Interior about a hate crime. Having received your notification, the Team will contact the Police or prosecutor's office, and will monitor the manner in which your case is being examined.

**REMEMBER, Police officers are obligated to treat cases of hate crimes seriously and to investigate those cases thoroughly. However, if you have been treated improperly by a Police officer while trying to report a crime, notify the Human Rights Protection Team of the Ministry of the Interior about the event. The Team will examine your notification and take actions so as to explain your case.**

**Your notification may be sent:**

**by e-mail, to the address:**

zpc@msw.gov.pl,

by fax, to the number:

(22) 60 170 13, or

by mail, to the address:

Zespół ds. Ochrony Praw Człowieka  
(Human Rights Protection Team)  
Departament Kontroli, Skarg  
i Wniosków (Department  
of Control, Complaints and Petitions)  
Ministerstwo Spraw Wewnętrznych  
(Ministry of the Interior)  
ul. Stefana Batorego 5  
02-591 Warszawa

**You may contact the Team on the phone:**

(22) 60 141 36,

(22) 60 115 38.

- **Contact non-governmental organizations**



## Your allies

### POLICE

The Police is one of two institutions (along with the prosecutor's office) that receive crime reports. When going to the Police station, you should have your identity document with you as the officers will ask you to give them your personal data. This information is essential to the officers for the purpose of conducting the activities properly. The Police officer receiving your report is obligated to inform you – as a victim of a crime – about your rights.

**You may restrict details regarding your place of residence from being disclosed to the person who committed the crime if there is a justified concern for the possible use of violence or unlawful threat against you.**

You may find a thorough description of victim's rights and duties translated into several languages on the website: <http://www.policja.pl/portal/pol/346/>

**If you do not understand the Polish language, ask for an interpreter.** The Police is obligated to ensure the presence of an interpreter while conducting activities concerning a person having no command of Polish, and no

charges may be imposed on a victim on this account. Having received the report, the Police will take your testimony in order to determine the circumstances of the incident. It is very important that you give as detailed information concerning the course of events and the act's perpetrator/perpetrators as possible. The more precise the details are, the bigger the chance the Police will identify and detain the perpetrator and bring this person to justice. Pay particular attention to the perpetrator's look, distinguishing marks, tattoos, as well as to the words said by this person. If you do not go to the Police station immediately after the incident, we recommend that you write down or record your account of the incident that has occurred. Your memory may fail you, and the more you remember, the easier it will be to pursue your rights.

**You're not alone.  
Let the police fight racism.**

If you believe that the incident you have experienced was motivated by your race, religion, ethnicity, nationality or culture affiliation, tell the Police about it while reporting the crime. You should also explain on what basis you have come to your conclusion (e.g. quote racist words accompanying the incident).

**Some non-governmental organizations provide free legal advice, or help people who have fallen victim to hate crimes another way. These are the examples of such organizations:**

Helsinki Fundacja Praw Człowieka (Helsinki Foundation for Human Rights): [refugees@hfhr.org.pl](mailto:refugees@hfhr.org.pl), tel. (22) 556 44 40, (22) 556 44 66

Biuro Porad Obywatelskich (Citizens Advice Bureau, the offices operate in various towns and cities in Poland – their telephone numbers and addresses may be found on the website: [www.zbpo.org.pl](http://www.zbpo.org.pl)): [zbpo@zbpo.org.pl](mailto:zbpo@zbpo.org.pl)

Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention): [biuro@interwencjaprawna.pl](mailto:biuro@interwencjaprawna.pl), tel. (22) 629 56 91, (22) 621 51 65

Fundacja „Ocalenie” („Ocalenie” Foundation): [cpc@cpc.org.pl](mailto:cpc@cpc.org.pl), tel. (22) 828 04 50

Stowarzyszenie na Rzecz Integracji Społeczeństwa Wielokulturowego NOMADA (Association for Multicultural Society Integration NOMADA): [sukurs@nomada.info.pl](mailto:sukurs@nomada.info.pl), tel. (71) 307 03 35

Stowarzyszenie NIGDY WIĘCEJ (“NEVER AGAIN” Association): [redakcja@nigdywiecej.org](mailto:redakcja@nigdywiecej.org), tel.: 601360835

**Remember that you are not the only person who might be affected by a hate crime; it may also influence you family and friends. By reporting such incidents, you help law enforcement agencies bring perpetrators to punishment.**

**Remember that reporting a crime will not affect adversely your right of residence in Poland.**

The Police officers have been trained intensively for several years in respect of issues concerning identifying and detecting hate crimes. Thus, they are prepared to handle your case properly. Do not hesitate to meet them and to tell them about what has happened to you.

Remember, your participation in the proceedings does not end with reporting the crime. The Police or prosecutor's office conducting the case will need your co-operation. You may be asked to visit the Police again and to complete your testimony. The lack of co-operation on the part of the victim or witness may hinder pressing the charges against perpetrators, and it may thwart the effort you made while reporting the crime.

The Police is obligated to inform you about the activities concerning your case at every stage of the procedure. Your report will be investigated, and you will be notified within 6 weeks whether the proceedings have been instigated.

Write to the Human Rights Protection Team of the Ministry of the Interior if you have any reasons to believe that the incident you have encountered was a hate crime, and the Police investigating the case has not taken this circumstance into account.

There is a human rights advisor in every voivodeship police headquarters, as well as in the General Police

Headquarters and the Warsaw Metropolitan Police Headquarters. These representatives neither conduct criminal proceedings nor supervise such proceedings, but they are experts in the field of issues concerning racism, xenophobia, and hate crimes; thus, they can serve you with information and assistance if need be.

**REMEMBER: even if you are not sure whether the act you have encountered is a hate crime, you may report it to law enforcement agencies anyway. It is within the scope of the prosecutor's office duties to assess whether this particular act is a criminal offence.**

### THE PROSECUTOR'S OFFICE

The prosecutor's office is an institution conducting and supervising preparatory proceedings. It is the prosecutor supervising preparatory proceedings who orders the Police to perform particular activities. The prosecutor also makes the final decision on the method of ending the preparatory proceedings: he/she may bring an indictment to the court, or issue a decision on discontinuation of the proceedings, as well as on refusal to institute the proceedings. In both last cases, if you do not agree with the decision, you may file a complaint. Remember that a complaint may be filed only within the time determined by law. The informa-



tion about time and method of filing a complaint can be found in the issued decision on discontinuation of the proceedings, or on refusal to institute the proceedings.

### THE COURT

In the event where the Police and prosecutor's office detain the perpetrators of the crime you have fallen victim to, and they gather evidence proving the perpetrators' guilt, the prosecutor will bring an indictment to the court. The court is an institution that makes judgement on perpetrators' guilt and passes a sentence. Remember, in the event of court proceedings concerning your case, the court will summon you as a victim of the crime and you will

testify. It is very important that, having received such a summons, you appear in court; the absence of your testimony may lead to a situation where the court finds no sufficient basis to sentence the perpetrators. Remember, your testimony constitutes important evidence in the case.

A judgement passed in the court of first instance does not always end the proceedings in the case, since the parties dissatisfied with the decision may appeal to the court of second instance. Therefore, if you do not agree with the decision issued by the court of first instance, remember that you may appeal against it. Remember that the appeal may be filed only within the time determined by law.



**Words are your greatest weapon  
against racism. Speak up**

### **THE HUMAN RIGHTS PROTECTION TEAM OF THE MINISTRY OF THE INTERIOR**

If you are a victim of or a witness to a hate crime, it is important that you report this incident to law enforcement agencies in the first place, and then inform our Team. If you keep the said order, we will be able to monitor the case you have reported as far as it is legally possible.

It is within the scope of activities of the Human Rights Protection Team of the Ministry of the Interior to monitor cases related to hate crimes.

If we receive notification of a hate crime, we contact the Police and obtain

the information about actions taken, and then we provide feedback to the person who reported the crime. In the case where the Police has had no knowledge about the crime, they institute proceedings after receiving the information about it from the Human Rights Protection Team of the Ministry of the Interior. Therefore, it is important to you, while reporting the case, to send us a description of the event (including its date and place), information whether and where the case has been already reported, as well as to leave us your contact details (name, address, e-mail). Having received the information from the Team, the Police will contact you in order to receive your testimony.

We need your active participation so that we are able to support the civic society based on the principle of tolerance. That is why it is so important that you inform about incidents concerning hate crimes. Without your reaction, neither the Human Rights Protection Team of the Ministry of the Interior nor law enforcement agencies will be able to provide you with adequate support.

If it is possible, share your information on this website with people to whom it may turn out to be of help.

**REMEMBER, YOU DON'T HAVE  
TO WRESTLE WITH IT ALONE.  
REPORT RACISM TO POLICE.**

The project *Immigrants against hate crimes – how to effectively assert your rights* is co-financed with funds of the European Fund for the Integration of Third-Country Nationals.

**To get more information,  
visit our website**

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Ministerstwo  
Spraw Wewnętrznych



UNIA EUROPEJSKA  
EUROPEJSKI FUNDUSZ NA RZECZ  
INTEGRACJI OBYWATELI PAŃSTW TRZECICH

Projekt współfinansowany z Europejskiego Funduszu na rzecz Integracji Obywateli Państw Trzecich